

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF S. B., DECEASED, by KAYLA
DOERR, Personal Representative,

Plaintiff,

CASE NO. 1:17-cv-00444

vs.

UNITED STATES OF AMERICA, BRONSON
BATTLE CREEK HOSPITAL, Mich. Corp.,
BRIAN KRAUSS, M.D., PAULA COAKES,
R.N., DENISE ABER-TOWNS,
RN and SARA BRISCOE, RN

Defendants.

HON. PAUL L. MALONEY

Gerald Thurswell (P21448)
Ardiana Culaj (P71553)
THE THURSWELL LAW FIRM, PLLC
Attorneys for Plaintiff
1000 Town Center, Suite 500
Southfield, MI 48075
248-354-2222
gthurswe4ll@thurswell.com
aculaj@thurswell.com

Nicole Mazzocco (P72354)
UNITED STATES ATTORNEY'S OFFICE
Attorney for United States of America
330 Ionia Avenue
The Law Building
Grand Rapids, MI 49503
616-456-2404
nicole.mazzocco@usadoj.gov

Carol D. Carlson (P41345)
John M. Kruis (P34626)
Rose P. Kleff (P80185)
SMITH HAUGHEY RICE & ROEGGE
Attorneys for Bronson Battle Creek
Hospital, Dr. Krauss, & Nurses Coakes,
Aber-Towns, & Briscoe
100 Monroe Center, N.W.
Grand Rapids, MI 49503
616-774-8000
ccarlson@shrr.com
jkruis@shrr.com
rkleff@shrr.com

**STIPULATION AND ORDER PERMITTING PLAINTIFF TO FILE A
SECOND AMENDED COMPLAINT AND DISMISSING BRIAN KRAUSS,
M.D., PAULA COAKES, RN, DENISE ABER-TOWNS, RN, AND SARA
BRISCOE, RN, AS DEFENDANTS**

The parties, by their respective counsel, stipulate as follows:

1. Plaintiff provided a copy of a proposed Second Amended Complaint to Defendants. Defendants reviewed the proposed Second Amended Complaint, and Defendants consent to permitting Plaintiff to file that Second Amended Complaint.

2. Plaintiff dismisses the naming of Brian Krauss, M.D., Paula Coakes, RN, Denise Aber-Towns, RN, and Sara Briscoe, RN, as Defendants in this case without prejudice.

3. Defendant Bronson Battle Creek Hospital admits Brian Krauss, M.D., Paula Coakes, RN, Denise Aber-Towns, RN, and Sara Briscoe, RN, were its employees at the time alleged in Plaintiff's Second Amended Complaint and will respond to discovery regarding Dr. Krauss, Ms. Coakes, Ms. Aber-Towns, and Ms. Briscoe for this case, including arranging for their depositions, as if they were named as defendants.

4. Defendants are not required to answer Plaintiff's First Amended Complaint and will not be held in default for not answering or otherwise responding to Plaintiff's First Amended Complaint.

5. After Plaintiff files the Second Amended Complaint, Defendants must answer or otherwise respond to Plaintiff's Second Amended Complaint within thirty (30) days. Any affidavit of meritorious defense shall be filed no later than ninety-one (91) days after the Second Amended Complaint is filed.

6. To avoid any confusion, Defendants do not stipulate to the merits of Plaintiff's claims against them and do not stipulate that they are properly named as Defendants in this case.

Dated: July 18, 2017

/s/ Ardiana Culaj

Gerald Thurswell (P21448)
Ardiana Culaj (P71553)
THE THURSWELL LAW FIRM, PLLC
Attorneys for Plaintiff
1000 Town Center, Suite 500
Southfield MI 48075
248-354-2222
gthurswell@thurswell.com
aculaj@thurswell.com

Dated: July 18, 2017

/s/ Nicole Mazzocco

Nicole Mazzocco (P72354)
UNITED STATES ATTORNEY'S OFFICE
Attorney for United States
330 Ionia Avenue
The Law Building
Grand Rapids, MI 49503
616-456-2404
nicolemazzocco@usdoj.gov

Dated: July 18, 2017

/s/ Rose P. Kleff

Carol D. Carlson (P41345)
John M. Kruis (P34626)
Rose P. Kleff (P80185)
SMITH HAUGHEY RICE & ROEGGE
Attorneys for Bronson Battle Creek Hosp.,
Dr. Krauss & Nurses
100 Monroe Center, NW
Grand Rapids, MI 49503
616-774-8000
ccarlson@shrr.com
jkruis@shrr.com
rkleff@shrr.com

ORDER

The Court, upon review of the Stipulation Permitting Plaintiff to File a Second Amended Complaint and Dismissing Brian Krauss, M.D., Paula Coakes, RN, Denise Aber-Towns, RN, and Sara Briscoe, RN, as Defendants, and being otherwise fully apprised, IT IS HEREBY ORDERED that:

1. Plaintiff is permitted to file a Second Amended Complaint.
2. Brian Krauss, M.D., Paula Coakes, RN, Denise Aber-Towns, RN, and Sara Briscoe, RN, are dismissed as Defendants in this case without prejudice.
3. Defendant Bronson Battle Creek Hospital admits Brian Krauss, M.D., Paula Coakes, RN, Denise Aber-Towns, RN, and Sara Briscoe, RN, were its employees at the time alleged in Plaintiff's Second Amended Complaint and will respond to discovery regarding Dr. Krauss, Ms. Coakes, Ms. Aber-Towns, and Ms. Briscoe for this case, including arranging for their depositions, as if they were named as defendants.
4. Defendants are not required to answer Plaintiff's First Amended Complaint and will not be held in default for not answering the First Amended Complaint.
5. After Plaintiff files a Second Amended Complaint, Defendants must answer or otherwise respond to Plaintiff's Second Amended Complaint within thirty (30) days. Any affidavit of meritorious defense shall be filed no later than ninety-one (91) days after the Second Amended Complaint is filed.

6. Defendants do not stipulate to the merits of Plaintiff's claims against them and do not stipulate that they are properly named as Defendants in this case.

Dated: July 19, 2017

/s/ Paul L. Maloney
HON. PAUL L. MALONEY
United States District Judge